

# EXHIBIT A

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Saturday, August 10, 2002

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## Top of the Net 2001

January 2002  
By Alan Cohen

**OUR PICKS** It was a tough and incredible year. Here are the tough and incredible people, sites, and events that took us through it all, reflecting the Net's growth and evolution

### Event of the Year

#### 9/11

*Challenger* blew up and the country kept going. Kennedy died in Dallas and the country kept going. The stock market crashed; Lincoln slumped bloody in a Ford's Theatre box seat. The country kept going. That's what it does. After we pause and watch, aghast, and wonder how we'll ever move on from the horror, we do. This time, as we confronted a nation irrevocably changed, we faced our rage and sorrow with the Net at our side. E-mail and instant messaging were vital lifelines for those in and out of Manhattan and Washington, D.C. News sites and personal Web diaries offered an intense range of information and analysis. Reaction across a global medium was never so immediate—or so maddening, accessible, or important.

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**Site of the Year****The Internet Archive Wayback Machine**  
**[web.archive.org]**

We can't stop reliving that day, in video footage and in our nightmares, over and over. To preserve the vast amount of online data created after the World Trade Center and Pentagon attacks, the Library of Congress, [WebArchivist.org](http://WebArchivist.org) and the Internet Archive saved a copy of every available Web page covering the attacks and put together the Wayback Machine's September 11 collection. Weighing in at more than 5 terabytes (that's 5 million megabytes) of material, this free digital library will provide a permanent record for future surfers and scholars seeking to reconstruct the day.

**Person of the Year****You**

John and Jane Does of the Net, take a bow. When the pundits and venture capitalists said the Net boom was over, you ignored them even more thoroughly than when they'd said buying cat food online was a good idea. Actually, your personal use of the Net has heated up. And you're a more diverse crew than ever: Four out of five American kids were using the Internet in 2001, as were 15 percent of the country's senior citizens and two-thirds of U.S. small businesses. But you weren't perfect. Far too many of you are more interested in sending cheesy e-cards and forwarding bad jokes than in keeping an eye on the political issues that protect your Net access. Nonetheless, in the past few years, good common sense hasn't been rewarded nearly enough when it comes to things Netty. This one's for you.

**Fight of the Year****Privacy vs. Security**

In this corner: Attorney General John Ashcroft, the intelligence community, hundreds of skittish congressional critters eager to do something, and the fear that, even if the Internet and cryptography *weren't* used in the last attack, they're bound to be part of the

next one. In that corner: Sen. Patrick Leahy (D-Vt.), Sen. Russ Feingold (D-Wis.), the Electronic Frontier Foundation, hundreds of experts who question the ability and usefulness of any currently existing online security technology, and a couple of sections of the Constitution. Referee: the Supremes, eventually. The mat: your freedom. No matter who wins, it's going to take a trampling.

### **Villain of the Year**

#### **Virus Writers**

This was the year we started looking at our mail very closely, both online and off. While e-mail viruses might be less life-threatening than anthrax, they nevertheless made a mess that cost Net users well over \$11 billion. We'd say these digital hellions showed more skill than sense, except that most of them didn't reflect any skill, either. The class of 2001 virus writers were, more often than not, "script kiddies" using prewritten virus programs to cook up their little annoyances. Why? To prove their *133t sk1llz*? (That's hackerese for "elite skills.") To make a statement about social injustice? To strike a blow against big, bad Microsoft? No. They did it for the same reason that their parents egged the neighbor's house on Halloween when they were young. Problem is, it's extremely difficult to take \$11 billion out of someone's allowance.

### **Trend of the Year**

#### **Weblogs**

If this is the year of the average Joe, big props to his soapbox: the weblog. Known as blogs, these do-it-yourself online diaries are arguably the easiest way to make a wave in the Web's ocean. Feeling really lazy? Type your profound thoughts into a ready-made blog form; a site such as Blogger [blogger.com](http://blogger.com) or [Pitas.com](http://Pitas.com) will build a Web page and put it online for you. The snobs of the Web world might think less of blogs for being so clearly and unabashedly labors of love. But with a galaxy of participants weighing in—from high-school students to

professional writers and artists—blogging supplied the Net with the freshest voices of the year.

### **Tech of the Year (Yours)**

#### **E-Mail**

The Internet's original killer app turned 30 sometime in October. Fittingly enough for a humble workhorse of a technology, e-mail's father, Ray Tomlinson, doesn't remember exactly when the first message was sent. Nor does he remember exactly what it said. (We personally suspect that it was spam hawking cheap rubber-stamp pads.) In 2001, hundreds of millions of e-mail addresses exchanged a simply unthinkable number of messages. And though not every one carried the poignancy of September 11 's raft of "Are you OK?" and "oh my God" messages, we wouldn't trade e-mail for any of the Net's glitzier realms. Bonus: Attachments may carry viruses, but no one's yet found a way to enclose powders.

### **Tech of the Year (Theirs)**

#### **Surveillance**

Through the month of August, increased concern about online privacy kept surveillance advocates on the run. The government's Carnivore monitoring system drew gales of protest from technology experts and civil libertarians, while much attention was focused on what businesses might be doing with consumers' all-important purchasing information. That was then. These days, no one's talking much about buyers' rights. In the weeks since September 11, surveillance advocates have made astonishing gains (at the expense of constitutional rights, according to privacy watchdogs and civil libertarians), with little or no evidence that the gathered information will be handled responsibly or analyzed effectively. Will collecting masses of raw data on every Net user actually protect anyone from anything? The tech community is doubtful, but it's hard to make oneself heard during a stampede.

### **Survivor of the Year**

## Free Music

As Metallica, Hilary Rosen, and the Recording Industry Association of America led the charge against Napster, the poster child for file-sharing and free music, those who understood how the Internet and its people work sat back and laughed. Sure, the courts might be able to pummel a service that was silly enough to tell them where it lived and who was in charge, but what can they do about programs without a central authority? When Napster was forced to regulate itself, its copycats gained a dividend: vast numbers of displaced users. Now, instead of having all the troublemakers in one place, where they could more easily be reprogrammed into paying for their music, all of us—uh, we mean all of *you*—music-sharing roaches scurried under different pieces of kitchen furniture, becoming that much more difficult to find. And while Hilary hasn't given up the fight (not by a long shot), the lack of a central brand is making free music harder than ever to fight. In the meantime, sites such as Audiogalaxy, LimeWire, Kazaa, and BearShare continue letting the music flow freely.

[next >>](#)

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# EXHIBIT B

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## | SIGN UP

### Step 1 of 5 Registration information

**Need less than 2,000 images a day?** You can use Girafa for FREE. [Click here to learn more!](#)

#### CUSTOMER LOGIN:

Customer: Password: **GO!**

Add thumbnails to your site

**GO!**

Add thumbnails to your browser

**DOWNLOAD!**

Girafa offers several pricing packages. All packages are based on the number of ["Daily Image Requests"](#) you require for your site.

#### \* Choose a sign up plan:

	Pricing Plans	Monthly Fee	One-time Set-Up Fee*	Number of <a href="#">Daily Image Requests</a>	<a href="#">Excess Usage Fee</a> **
<input type="radio"/>	Package 1	\$20 / month	\$29	Up to 4,000	\$7.5
<input type="radio"/>	Package 2	\$47 / month	\$49	Up to 10,000	\$7
<input type="radio"/>	Package 3	\$89 / month	\$49	Up to 20,000	\$6.75
<input type="radio"/>	Package 4	\$215 / month	\$49	Up to 50,000	\$6
<input type="radio"/>	Package 5	\$410 / month	\$99	Up to 100,000	\$5.5
<input type="radio"/>	Package 6	\$799 / month	\$99	Up to 200,000	\$5.2

\* Set-up fee is waived if you sign up for a 12 months service term.

\*\* Cost per every additional 1,000 Daily Image Requests.

Need more than 200,000 images a day? Have any questions? please [contact one of our sales representatives](#).

#### Select the term of service you would like to sign up for:

- ☐ I would like to sign up for a 1-month service term.
- ☐ I would like to sign up for a minimum 12 months service term.



(Set-up fee is waived if you sign up for a 12 months service term).

**\*The URL/s (where thumbnail images will be displayed):**

**Continue**

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The Girafa system and technology are protected by US patent No. 6,864,904

# EXHIBIT C

Thumbshots.com | Thumbshots.org | Thumbshots.net | Research

**THUMBSHOTS.COM**

Leader in web preview technology. Serving thumbshots to over 1,000 sites.

Home	Simple	Why Thumbshots	Manage	About Us	
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E-mail

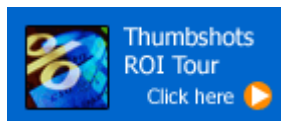
Print

Overview

FAQ

Price &amp; Buy

Contact Us



## Select Plan

Add thumbshots to your web site in 3 easy steps. 1. Select a pre-paid monthly plan. 2. Place an order with your credit card 3. Integrate thumbshots on your site!

There is no long-term commitment. Pre-paid monthly plans below are based on the number of thumbshot requests (hits) per month.

Select Your Plan (\$/month)	Hits	One-Time Setup
<input type="radio"/> \$9.99	50,000	\$25
<input checked="" type="radio"/> \$19.99 <b>POPULAR</b>	120,000	\$25
<input type="radio"/> \$25.00	150,000	\$25
<input type="radio"/> \$49.00	350,000	\$25
<input type="radio"/> \$99.00	750,000	\$25
<input type="radio"/> \$249.00	2,000,000	\$25
<input type="radio"/> \$499.00	4,500,000	\$49
<input type="radio"/> \$999.00	10,000,000	\$49

### Additional Hits

Multiple blocks of hits can be purchased after signing up.



NetworkSolutions'



Reacteur.com

BRUCE CLAY, LLC  
Internet Business Consultants

## Testimonials

"Thanks for the excellent service you folks provide. I receive regular compliments on our use of Thumbshots."

Ron Rathe  
Avidlistener

**More Feedbacks...**

\$5	5,000 hits
\$10	25,000 hits
\$15	35,000 hits
\$25	75,000 hits
\$49	200,000 hits
\$99	500,000 hits
\$499	2,500,000 hits
\$999	5,000,000 hits

Promotional Code: \_\_\_\_\_ (optional)

Select plan

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

GIRAFA.COM, INC.	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 07-787-SLR
	)	
AMAZON WEB SERVICES LLC,	)	<b>JURY TRIAL DEMANDED</b>
AMAZON.COM, INC., ALEXA INTERNET,	)	
INC., IAC SEARCH & MEDIA, INC.,	)	
SNAP TECHNOLOGIES, INC., YAHOO! INC.,	)	
SMARTDEVIL INC., EXALEAD, INC., and	)	
EXALEAD S.A.,	)	
	)	
Defendants.	)	

**DECLARATION OF GREGER ORELIND IN SUPPORT OF AMAZON  
WEB SERVICES, LLC; AMAZON.COM, INC.; AND ALEXA INTERNET INC.'S  
OPPOSITION TO GIRAFA.COM, INC.'S MOTION FOR PRELIMINARY INJUNCTION**

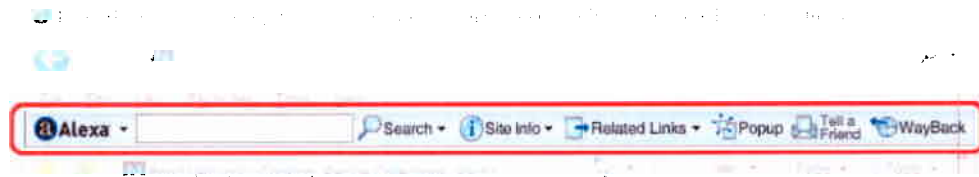
I, Greger Orelind, declare:

1. I am an employee of Alexa Internet, Inc. ("Alexa"). I serve as the Manager of Web Services. I joined Alexa in 2000. As a result of my position and my experience at Alexa, I am familiar with the operations of Alexa's Web activities and Alexa's business.

2. Alexa was founded in 1996 with a goal to distill timely and relevant information from the World Wide Web (the "Web"). Today, Alexa's business and technology remains focused on providing Web users meaningful access to the information Alexa gathers about the Web from Alexa's constant crawling of all publicly available websites and from the activities of Web users that use the Alexa Toolbar.

3. Since Alexa's founding, it has crawled the Web to create a complete snapshot and index of approximately 8 billion publicly available Web documents, including webpages, images, and documents. Alexa is continuously crawling the Web to update its index. On a daily basis, Alexa's Web crawl gathers approximately 1 Terabyte of Web content.

4. Alexa also relies on the participation of the community of Web users that have downloaded and installed the Alexa Toolbar. The Alexa Toolbar (circled below in red) is free search and navigation software that provides useful links and buttons within a Web browser without interrupting Web browsing.



By using the Alexa Toolbar members provide Alexa with valuable information about the web, how it is used, what is important and what is not. Alexa processes this information and returns it to the community through features on the Alexa Toolbar and the Alexa website such as Related Links and Traffic Rankings. Alexa currently registers approximately 1 billion data requests each day from the collective Alexa Toolbar community.

5. Alexa provides the information it collects to Web users in several ways. For general consumer purposes, Alexa developed the Alexa website (<http://www.alexa.com>) and the Alexa Toolbar. Alexa also makes information available to programmers and Web developers through its Web Services tools such as the Alexa Web Search, Alexa Web Information Service, Alexa Top Sites, and Alexa Site Thumbnail services. Web developers and programmers can purchase Alexa's Web Services to incorporate Alexa's information about the Web directly into their own web sites or services.

6. In addition to making its organization of the Web directly available through the Alexa Toolbar and Web Services, Alexa has donated its crawl archives to the Library of Congress and the Internet Archive. Today, Alexa continues to provide its Web crawls to the Internet Archive. By the beginning of 2008, Alexa had donated over 1 Petabyte (that is, 1000 Terabytes) of its archives to the Internet Archive, which makes the entire archive available through the Wayback Machine ([see http://web.archive.org/](http://web.archive.org/)). In 2001, the Wayback Machine, built by Alexa for the Internet Archive, was named the site of the year by Yahoo Internet Life

magazine. Attached to this declaration as Exhibit A is a true and correct copy of Yahoo Internet Life magazine article regarding the Internet Archive.

7. As early as 2002, Alexa began associating rendered thumbnail images of webpages with its presentation of Web metrics information on its website. For example, a Web user visiting Alexa's website is presented with thumbnail images of websites along with written information about the pictured websites. By clicking on a thumbnail or the hyperlink associated with the written description, the user's Web browser is directed to the identified website.

8. Alexa uses its own thumbnails on its website to enhance its users' experience. Alexa charges users nothing to visit its website or to view the thumbnails that are used on Alexa's website. The thumbnails viewed on Alexa's website account for approximately 80% of the thumbnails that are requested from the Alexa Site Thumbnail service.

9. Historically, other website owners used Alexa's thumbnail service without permission to display Alexa's thumbnails on their own websites. These website owners "hotlinked" to Alexa's thumbnails and used them without compensating Alexa for the bandwidth and processing power consumed by serving the thumbnails.

10. In 2006, Alexa released the Alexa Site Thumbnail service as a for-pay Web Service that allows other websites to access Alexa's thumbnails for a metered price and prevents users from accessing the thumbnails at Alexa's expense.

11. The Alexa Site Thumbnail service is a tangential aspect of Alexa's business activities when compared to Alexa's activities collecting, indexing, and providing information about the Web through the Alexa Toolbar, the Alexa Website and the other Alexa Web Services. On the other hand, I understand that Girafa's thumbnail service is the main focus of its business. Because the main focus of Alexa and Girafa differ so greatly, I do not consider Girafa to be a direct competitor with Alexa.

12. Currently, Alexa charges \$0.20 for access to 1000 thumbnail images. With this pricing, Alexa typically makes less than \$4000.00 per month from its thumbnail services. Alexa

chose this pricing in September 2006 based on public information available from the Thumbshots and Girafa websites.

13. Based on current public information from Girafa and Thumbshots' respective websites, I understand that, on average, Alexa's pricing for thumbnails is approximately \$0.05 higher per thousand thumbnails than either Girafa or Thumbshots' price.

14. Attached to this declaration as Exhibit B is a true a correct copy of the pricing page from Girafa's website.

15. It appears that Girafa charges its customers varying rates depending on how many thumbnails its customers access on a daily basis. Girafa's pricing ranges from \$20 per month for daily access of up to 4,000 thumbnail images (approximately \$0.17 per 1000 thumbnails) to \$799 per month for daily access of up to 200,000 thumbnail images (approximately \$0.13 per 1000 thumbnails).

16. Attached to this declaration as Exhibit C is a true a correct copy of the pricing page from Thumbshots' website.

17. It appears that Thumbshots also charges its customers varying rates depending on how many thumbnails its customers access. Thumbshots' pricing ranges from \$9.99 per month for 50,000 thumbnail images (approximately \$0.20 per 1000 thumbnails) to \$999.00 per month for up to 10,000,000 thumbnail images (approximately \$0.10 per 1000 thumbnails).

18. Alexa's revenue from its thumbnail images service from November, 2006 through November, 2007 was \$43,364.

I declare under penalty of perjury under the law of the United States that the foregoing is true and correct.

Dated: May 16, 2008

/s/ Gregor Orelind  
GREGER ORELIND



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I, David E. Moore, hereby certify that on May 16, 2008, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on May 16, 2008, the attached document was Electronically Mailed to the following person(s):

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